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February 17, 2015

**Via ECF**

Honorable Analisa Torres  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Palmer v. Trump Model Management LLC., *et al.*  
14 Civ. 8307 (AT)

Dear Judge Torres:

We represent the defendants Trump Model Management LLC ("TMM") and Corinne Nicolas in the above-captioned action, and write in response to plaintiff's letter seeking leave to serve a subpoena and a FOIA request on the U.S. Department of Labor for certain visa application records.

As set forth in defendants' request for a pre-motion conference, there is no private right of action under the INA-- a proposition that plaintiff's counsel has not disputed. *See Shah v. Wilco Systems, Inc.*, 126 F.2d 641 (S.D.N.Y. 2000). As such, the third-party discovery now sought by plaintiff bears no relation to the instant lawsuit or the forthcoming motion to dismiss, which will address the lack of a private right of action under the INA statute and its dispositive effect on plaintiff's claims. For this reason too, this discovery request is pre-mature and, respectfully, does not need to be addressed prior to the determination of defendants' motion to dismiss.

Finally, we will not dignify Counsel's gross mischaracterizations in his letter as to the Labor Condition Application and visa application process under the INA with a response now. Suffice it to say that TMM engages well-respected and experienced immigration counsel for all of its visa applications and is not "defrauding" the Department of Labor.

Respectfully submitted,

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Lawrence S. Rosen  
Patrick McPartland

cc: Naresh Gehi, Esq. (via ECF)